Dated 18th May 1950.

No. L.S. 445—L.W. 29-50-16. In pursuance of sub-section (4) of Section 12 of the Mysore Labour Act, 1942 (Act XIII of 1942), His Highness the Maharaja of Mysore is pleased to direct the publication of the undermentioned report of the Chief Conciliator in Mysore, Bangalore, in respect of failure of Conciliation Proceedings in the dispute between the Management and the Labour Association of the Mysore Gold Mining Co., Ltd., in regard to four notices of change given by the Association to the Management.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

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OFFICE OF THE CHIEF CONCILIATOR IN MYSORE, BANGALORE.

Camp Oorgaum No. C. C. 30—48-49, dated 6th May 1950.

To

The Secretary to the Government of Mysore,
Law Department, Bangalore.

Sir,

There are four disputes between the Mysore Mine Labour Association and the Management arising out of four notices of change given by the Association in which I held conciliation proceedings to-day in the Guest House at Oorgaum. The Association was represented by its office bearers while Mr. J. I. T. Dickson, the Superintendent of the Mine appeared on behalf of the Management.

The first notice of change dated 9th September 1949, reads as follows :—

"Sri Kunji Nair, T. No. 6770, Perumal, T. No. 681, Daniel, T. No. 108 and Perumal, T. No. 1564 were employees of the Mysore Gold Mining Company, Ltd., Gold smuggling cases have been foisted on them and they were prosecuted before the local I Class Magistrate who acquitted them. Inspite of repeated requests they have not been reinstated. The Mysore Mines Labour Association through this notice of change seeks the re-employment of these persons compensating their loss of wages for the period during which they were forced to be out of employment."

Two cases of illegal attempts to extract gold from gold bearing quartz were detected underground and the above people were prosecuted under Sections 6 and 13 of the Mysore Mine Act before the Special First Class Magistrate, Kolar Gold Fields, in C. C. Nos. 586 and 1309 of 1948-49. After the prosecution evidence was recorded Kunji Nair was discharged on the ground that no *prima-facie* case had been made out against him. The other three people were given the benefit of doubt and acquitted. The Management however, dealt with them departmentally and dismissed them under standing order No. 22 (d).

In the proceedings before me the Association argued that as these persons had been held to be not guilty by a competent tribunal it was not open to the Management to invoke the aid of a standing order and terminate their services. The reply of the Superintendent was that this argument was not acceptable to the Management as even the arbitration tribunal which gave its award in 1945 had recognised that the acquittal in a Criminal Court was no bar to the Management taking disciplinary action under standing orders. At its suggestion standing order 22 (d) as it then stood was amended as follows :—

"Theft or abetment of theft, fraud, or dishonesty in connection with Company's business or property".

The Superintendent states that after these people were discharged or acquitted by the Court he carefully perused the judgement and took every circumstance into consideration before he decided to act under the above standing order. The second case was disposed of nearly eight months after the occurrence. It was therefore not surprising that the Magistrate found discrepancies in the prosecution evidence. Kunji Nair was perhaps prosecuted under a wrong section. Strictly speaking, he could not be charged with being found with unlawful possession of gold. This case against him really was that while his companions were engaged in grinding gold bearing quartz he mounted guard at the entrance. He should have been charged for abetment of the offence. There w no justification whatever, to reconsider the case of the individuals and reinstate them. The Association not bei satisfied with the attitude taken up by the Manageme refused to withdraw the notice.

The second notice of change is dated 12th October 1949 a reads as follows :—

"After the general strike in February and in March th year about 29 workers were dismissed from t Mysore Mine under standing order 22 (k).

It is very improper to have applied to standing orders these 29 workers only when the whole mine was strike. We therefore request the Management immediately re-instate them in their jobs."

It was pointed out to the Association that the list of the workers had not been furnished in the notice. The Supe intendent stated that only the ring-leaders who had instigat or taken an active part in the general strike that had bee dealt with under the standing order, and that having rega to the seriousness and magnitude of the strike it w impossible for the Management to reconsider their decisio and take them back to duty. The Association persisted in i demand and refused to withdraw it.

The third notice of change is dated 21st December 19 and the annexure reads as follows :—

"The labourers mentioned overleaf have been dismisse from service on 23rd November 1949 by t Management of the Mysore Gold Mining Compan Ltd., without giving them any reason for the dismissal. The Association through this notice change requests the Management to reinstate the men paying them wages and other privileges for t period in which they were forced to be witho work".

Overleaf.—

1	Muniswamy	...	1218
2	Muniswamy	...	2292
3	Thangaraj	...	2501
4	Nayagam	...	7511
5	Aseervadam	...	2228
6	William	...	2515
7	Muniswamy	...	1024
8	Kistan	...	2739
9	Muniswamy	...	7295
10	Seetha	...	1555
11	Gengan	...	1107
12	Rathinam	...	661
13	Dharman	...	1206
14	Perumal	...	1269
15	Chinnapyan	...	2972
16	Isral	...	1333
17	Bagiyanathan	...	1776
18	Simson	...	1913
19	Singaram	...	498
20	Ponnurangam	...	799

At the very outset the Superintendent of the Mine point out that the 20 men referred to in the notice of change h not been dismissed at all. They had been discharged und standing order 21 (c) with 10 days' pay in lieu of notice, a no other penalty. The Management had perfect right to se away any man they did not want to have. The stay-in strik which led to the termination of the services of these men w of a so serious a character that the mine and all its valuab property were at the mercy of the strikers for nearly 30 hour In that interval any thing might have happened. The fa that no serious accident occurred could not be pleaded i extenuation of the part played by the ring-leaders an their followers. The Government considered the situation s grave that they permitted the Mining authorities to keep th mine closed for over 20 days by issuing a notification unde Section 42 of the Labour Act declaring a state of emergency What had happened on the mine was really a concerte mutiny. In the circumstances the discharge of these me was perfectly justified. The argument of the Association wa that while most of the men had been taken back to dut there was really no justification to victimise a few individual on mere suspicion that they must have taken a prominen part in the affair. For aught one knew, they might b perfectly innocent individuals against whom the managemen bore some grudge. There was no sort of enquiry. The cas against these men was not stated to them and they were no called upon to defend themselves against the charges. Th standing order invoked in aid of the action taken against them must be held to be *ultra vires* as it was opposed to th spirit and provisions of the Labour Act. For these reason the Association pressed its demand but the Superintenden was unable to accept it.

The fourth notice of change is dated 1st December 1949 It deals with many matters such as increase in basic wage

daily rated employees, periodical increments, dearness lowance, over-time and night shift allowances, sickness surance, housing, etc. The attitude of the Management to e several demands is that the orders of the Government on e report of the Committee set up under the Minimum ages Act must be awaited. Some of these questions were so raised before the Pay Commission and that body while aking a few recommendations left most of the questions to e dealt with by the Minimum Wages Committee. The latter n which both the employers and the employees were presented had made several recommendations which if ccepted by Government are binding on both the parties. The uperintendent of the Mines says that until Government pass ders on the Committee's recommendations, the Management e not prepared to go into any of the questions raised in the otice of change. The Association's attitude is that there are any questions in the notice of change which did not come ithin the purview of either the Pay Commission or the linimum Wage Board and that the Management should not ostpone the consideration of these questions. The Superintendent however, was not prepared to consider these demands this stage.

The conciliation proceedings in regard to all the four notices f change ended in failure and this failure is reported under ection 12 (4) of the Act.

Yours faithfully,

K. SUBBA RAO,
Chief Conciliator.

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Dated 17th May 1950.

No. 873—Cts. 24-50-2. Under Section 14 of the Code of Criminal Procedure, 1904, Sri B. L. Ramaswamy is appointed as a Special Magistrate for the Bench Court at Bangalore City, with the powers of a Magistrate of the Second Class for a period of two years.

By Order of His Highness the Maharaja.

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Dated 18 May 1950.

No. S. R. 928—J. S. 1-49-50. It is notified for general information that in accordance with the rules under Section 144 of the Mysore Companies Act, XVIII of 1938, His Highness the Maharaja of Mysore is pleased to sanction the grant of Auditor's Certificate to—

1	Name	... Sri B. Ranganna,
2	Address	... Retired Assistant Comptroller, No. 22, II Main Road, Shankarpur, Basavangudi, Bangalore 4.
3	Languages—accounts in which the holder is entitled to audit.	... English and Kannada.

By Order of His Highness the Maharaja.

1387

Dated 18th May 1950.

No. S. R. 936—J. S. 1-49-51. It is notified for general information that in accordance with the rules under Section 144 of the Mysore Companies Act XVIII of 1938, His Highness the Maharaja of Mysore is pleased to sanction the grant of Auditor's Certificate to—

1	Name	... Sri R. Sreenivasa Rao,
2	Address	... 21, Kempanna Street, Doddamavalli, Bangalore 2.
3	Languages—accounts in which the holder is entitled to audit.	... English, Kannada and Telugu.

By Order of His Highness the Maharaja.

1392

Dated 19th May 1950.

No. S. R. 938—J. S. 1-49-52. It is notified for general information that in accordance with the rules under Section 144 of the Mysore Companies Act XVIII of 1938, His Highness the Maharaja of Mysore is pleased to sanction the grant of Auditor's Certificate to—

1	Name	... Sri N. Chandrasekhara Sastry,
2	Address	... Daily Auditor, City Co-operative Bank, Ltd., Mysore.
3	Languages—accounts in which the holder is entitled to audit.	... English and Kannada.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

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REVENUE SECRETARIAT

No. L.B. 8113—A.D.C. 2-49-275, dated 2nd February 1950.

Whereas it appears to the Government of Mysore that the undermentioned land situated in Nagenahalli Village, Kortagere Taluk, Tumkur District, is needed for a public purpose, to wit, Adikarnataka Extension; notice to that effect is hereby given to all whom it may concern, in accordance with the provisions of Section 4 (1) of the Land Acquisition Act of 1894, as amended by the Land Acquisition Amendment Act No. I of 1927, and the Government hereby authorise the Deputy Commissioner,.....and his subordinates and also.....to exercise the powers conferred by Section 4 (2) of the Act. Under Sub-Section (4) of Section 17 of the Land Acquisition Act of 1894, as amended by Act No. I of 1927, the Government direct that in view of the urgency of the case, the provisions of Section 5-A of the Act shall not apply to the acquisition of land noted below.

Tumkur District, Kortagere Taluk, Kasaba Hobli,
Nagenahalli Village.

Nagenahalli, Survey No. 97—1, in the khate and anubhava of S. Nanjundiah, and bounded on the North by Lane, South by Balance of same Survey No., East by Lane and West by Balance of Same Survey No., the area required being 20 guntas, assessed at Re. 0-12-0.

No. L.B. 8114—A.D.C. 2-49-276, dated 2nd February 1950.

Under Section 6 of the Land Acquisition Act of 1894, as amended by the Land Acquisition Amendment Act No. I of 1927, the Government of Mysore declare that the lands measuring 20 guntas be the same a little more or less, is needed for a public purpose, to wit Adikarnataka Extension and under Sections 4 and 7 of the same Act, the Assistant Commissioner in charge of Madhugiri Sub-Division, is appointed to perform the functions of a Deputy Commissioner under the Act and directed to take orders for the acquisition of the said lands. Under sub-section (1) of Section 17 of the Act, the Government further direct that the possession of the said land may be taken on the expiry of fifteen days from the date of publication of the notice mentioned in Section 9 (1) of the Act. A plan of the land is kept in the Office of the Sub-Division Officer Madhugiri and may be inspected at any time during office hours.

Tumkur District, Kortagere Taluk, Kasaba Hobli,
Nagenahalli Village.

Nagenahalli, Survey No. 97—1, in the khate and anubhava of S. Nanjundiah and bounded on the North by Lane South by Balance of Same Survey No., East by Lane and West by Balance of Same Survey No., the area required being 20 guntas, assessed at Re. 0-12-0.

6859

No. L.B. 8329—A.D.C. 6-49-7, dated 6th February 1950.

Whereas it appears to the Government of His Highness the Maharaja of Mysore that the undermentioned land situated in Malavalli Village, Shikarpur Taluk, Shimoga District is needed for a public purpose, to wit, Banajar Tanda; notice to that effect is hereby given to all whom it may concern in accordance with the provisions of Section 4 (1) of the Land Acquisition Act of 1894, as amended by the Land Acquisition Amendment Act No. I of 1927, and the Government hereby authorise the Sub-Division Officer, Sagar and his subordinate and also the Special Land Acquisition Officer, to exercise the powers conferred by Section 4 (2) of the Act. Under Sub Section (4) of Section 17 of the Land Acquisition Act of 1894 as amended by Act No. I of 1927, the Government direct that, in view of the urgency of the case, the provisions of Section 5-A of the Act shall not apply to the acquisition of the land noted below.

Shimoga District, Shikarpur Taluk, Talagunda Hobli,
Malavalli Village.

(1) Khatedar: Basappa bin Halappa (Kubacada)- S. No. 32, Total 12 acres and 39 guntas, Kharab 25 guntas, Remaining extent dry, 12 acres and 14 guntas, Assessment Rs. 3-0-0, Extent now required 3 acres Assessment 0-12-0, Boundaries:—East by S. Nos. 31 and 60, West S. No 33, North by S. No. 58 and South by Remaining extent S. No. 32.

No. L.B. 8330—A.D.C. 6-49-8, dated 6th February 1950.

Under Section 6 of the Land Acquisition Act of 1894, as amended by the Land Acquisition Amendment Act No. I of 1927, the Government of His Highness the Maharaja of Mysore declare, that the land measuring 3 acres be th